

1 TODD M. LEVENTHAL, ESQ  
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(702) 384-1990  
5 Attorney for Defendant

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8 **UNITED STATES DISTRICT COURT**  
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10 **DISTRICT OF NEVADA**

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14 UNITED STATES OF AMERICA, ) CR-S-09-078-JCM(RJJ)  
15 Plaintiff, )  
16 vs. )  
17 SAMUEL DAVIS, )  
18 SHAWN RICE )  
19 Defendant. )  
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**STIPULATION TO CONTINUE  
TIME FOR TRIAL AND MOTIONS  
DEADLINES**

IT IS HEREBY STIPULATED AND AGREED by and between Defendant, SAMUEL DAVIS, by and through his counsel, TODD M. LEVENTHAL, ESQ., and the United States of America, by its counsel, GREGORY DAMM, Assistant U.S. Attorney, that the trial in the above-captioned matter currently scheduled for June 21, 2010, be vacated and continued until September 20, 2010 calendar.

This Stipulation is entered into for the following reasons:

1. Mr. Davis has indicated his desire to proceed to trial representing himself.
2. A motion has been filed for a Faretta hearing, however the hearing has not been set as of yet.
3. Counsel for Mr. Davis believes that if Mr. Davis is granted the right to represent himself, Counsel will remain as stand by counsel assisting Mr. Davis..
4. Counsel for the Government, Counsel for Mr. Davis and the Court have met and indicated that a September date works for scheduling purposes.
5. Mr. Davis is not in custody and agrees with this continuance.
6. Mr Rice is in warrant status at this time.

1       7. Additionally, denial of this request for a continuance could result in a miscarriage of  
2 justice.

3       8. The additional time requested by this Stipulation is excludable in computing the time  
4 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
5 States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States  
6 Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

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9       DATED this 16<sup>TH</sup> day of June, 2010.

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12       -s-  
13       TODD M. LEVENTHAL, ESQ.  
Counsel for defendant

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          GREGORY DAMM ESQ.  
          Assistant U.S. Attorney

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
vs. )  
SAMUEL DAVIS, )  
SHAWN RICE )  
Defendant. )

CR-S-09-078-JCM-(RJJ)

**FINDINGS OF FACTS AND  
CONCLUSIONS OF LAW**

**FINDINGS OF FACT**

Based on the stipulation of counsel, and good cause appearing, the Court finds that:

1. Mr. Davis has indicated his desire to proceed to trial representing himself.
2. A motion has been filed for a Faretta hearing, however the hearing has not been set as of yet.
3. Counsel for Mr. Davis believes that if Mr. Davis is granted the right to represent himself, Counsel will remain as stand by counsel assisting Mr. Davis..
4. Counsel for the Government, Counsel for Mr. Davis and the Court have met and indicated that a September date works for scheduling purposes.
5. Mr. Davis is not in custody and agrees with this continuance.
6. Mr Rice is in warrant status at this time.
7. Additionally, denial of this request for a continuance could result in a miscarriage of justice.
8. The additional time requested by this Stipulation is excludable in computing the time

1 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
2 States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States  
3 Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

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## 7 CONCLUSIONS OF LAW

8 Based on the fact that counsel for the defendant needs additional time within which to  
9 prepare the case for trial, defendant does not object to the continuance sought herein, denial of this  
10 request for continuance would deny the parties sufficient time to resolve the case and otherwise  
11 prepare for trial should negotiations bail. Additionally, denial of this request for a continuance  
12 could result in a miscarriage of justice.

13 1. The additional time requested by this Stipulation is excludable in computing the time  
14 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
15 States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States  
16 Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

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## 18 ORDER

19 Accordingly, IT IS SO ORDERED that the JUNE 21, 2010 at 8:30 a.m. trial  
20 setting is vacated and the same is continued and reset for **9-20-2010 at 9:00 a.m.**

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22 IT IS FURTHER ORDERED that the Calender Call in this matter is reset for  
23 **9-15-2010 at 1:30 p.m.**

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Dated this 21 day of JUNE, 2010.

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UNITED STATES DISTRICT JUDGE